

under the aforesaid contract, the said sheriff shall take a bond, with sureties residing in this state, and to be approved by the treasurer of the county, from said rectifying distiller to the treasurer of his county, in the penal sum of one thousand dollars, conditioned that all said liquors so received under said contract, shall be rectified and the alcohol distilled therefrom, and that the contractor will account for and pay over to the treasurer of said county from which said liquors are received, in cash the amount due under said contract. In all suits upon bonds given under this section, the damages shall be the full penal sum of said bond. For all services in connection herewith, the said sheriff shall receive from the county treasurer five per cent of the amount received from said contractor. All other liquors declared forfeited by any court under this chapter, shall, by order of the court rendering final judgment thereon, be destroyed by any other competent to serve the process on which they were forfeited, and he shall make return accordingly to said court. Such liquors shall be destroyed by pouring them upon the ground. A record of vessels forfeited shall be kept by each officer, and returned to the county commissioners once in each three months, and once in six months, or oftener, if they deem it advisable, the commissioners shall order such officers to sell the vessels at public or private sale, and pay the proceeds thereof into the county treasury.

SECT. 2. This act shall not apply to cases of sales already made. [Approved Mar. 3.]

Chapter 215.

AN ACT for the better protection of Girls.

Wherever, being more than twenty-one years of age, has carnal knowledge of the body of any unmarried female child, between the ages of fourteen and sixteen years, shall be punished by fine not exceeding five hundred dollars or by imprisonment for not more than two years. The provisions of this act shall not apply to cases of rape as defined in section seventeen of chapter one hundred and eighty-two of the revised statutes.

[Approved Mar. 4.]

Chapter 214.

AN ACT relating to appeals in case of damages for land taken for Ways.

Section eighteen of chapter eighteen of the revised statutes, as amended by section five of chapter three hundred and fifty-nine of the public laws of eighteen hundred and eighty-five and by chapter two hundred and ninety-seven of the public laws of eighteen hundred and ninety-three, is hereby amended in the second sentence thereof by striking out the words "laying out" and inserting in place thereof the word "establishment" and by adding after the word "town" the words "at its town meeting," so that said section eighteen, as hereby amended, shall read as follows:

"Section 18. The damages for a town way shall be paid by the town for a private way, by those for whose benefit it is stated in the petition to be, or wholly or partly by the town, if under an estate in the warrant to that effect the votes at the meeting accepting such private way of the town, if it is proposed in the return laying out such way. Any person aggrieved by the estimate of such damages may have them determined as provided in section eight, by written complaint to the supreme judicial court, returnable at the term thereof next to be held within the county where the land lies, after sixty days from the date of the establishment, alteration or discontinuance of such way by the town at its town meeting. The complaint shall be served at least thirty days before said term by delivering in hand an attested copy to the clerk of the town where the land lies, and by posting attested copies in two public and conspicuous places within the town, and in the vicinity of the way. But no judgment shall be recorded in the county of such damages. When any person aggrieved by the estimate of damages for his land taken for a town or private way, honestly intended and laid out and has by accident or otherwise been entitled to take his appeal within the time prescribed by law, he may at any time within six months after the expiration of the time within which said appeal might have been taken, apply to the judge of the supreme judicial court in term time or vacation, stating in his said application the facts of his case, and said judge, after due notice and hearing, may grant to such petitioner permission to take his said appeal on such term of said court as said judge shall direct, and on such terms as said judge shall order, and the subsequent proceedings thereon shall be the same and with the same effect as if said appeal had been seasonably taken."

[Approved Mar. 5.]

Chapter 213.

AN ACT additional to Chapter three hundred and fourteen of the Public Laws of eighteen hundred and ninety-three, relating to the sale of land for Taxes.

SECT. 1. In all actions brought in the supreme judicial and superior courts of the state under the provisions of chapter three hundred and fourteen of the public laws of eighteen hundred and ninety-three, full costs shall be recovered notwithstanding the amount of the judgment be twenty dollars or less.

SECT. 2. This act shall take effect when approved. [Approved Mar. 5.]

Chapter 212.

AN ACT authorizing cities and towns to accept conveyances upon trusts in public burial places, and providing for the record of deeds of burial lots.

SECT. 1. When any person owning or interested in a lot in a public burial place in a city or town deposits with the treasurer of such city or town, a sum of money for the preservation or care of such lot as provided by section one, chapter one hundred and forty-five, of the public laws of eighteen hundred and eighty-seven, said city or town may accept a conveyance of such lot for the uses and upon the trusts which may be set forth in said conveyance, and may bind itself to keep and perform the agreements, trusts and trusts as are contained in the deed of conveyance of such lot.

SECT. 2. Deeds of burial lots in any public cemetery may be recorded with the registry of deeds for the county or district where such cemetery is situated. [Approved Mar. 5.]

Chapter 217.

AN ACT in relation to the disposition of Unclaimed Baggage by common carriers.

SECT. 1. Sections eighty-one, eighty-two, eighty-three and eighty-four of chapter fifty-one of the revised statutes are hereby repealed.

SECT. 2. Section eight of chapter fifty-two of the revised statutes, as amended by chapter forty-two of the public laws of eighteen hundred and ninety-one, is hereby amended by the insertion of the word "baggage" after the word "whenever" in the first line, again after the word "whenever" in the fifth line, and again after the word "whenever" in the eleventh line, so that said section, as amended, shall read as follows:

"Section 8. Whenever baggage, goods, merchandise, packages or parcels, transported by any railroad, steamboat, express, or stage company, existing by virtue of the laws of this state, remain unclaimed for six months after their arrival at the point to which it shall have been directed, or baggage, goods, merchandise, or other personal property remain in a public warehouse for six months, after the charges thereon have been rightfully demanded and left unpaid, the same may be sold at auction in the city or town where said railroad,

steamboat, express or stage company has its general or principal office, or where said warehouse is situated; and whenever baggage, goods, merchandise, packages or parcels transported by any railroad, steamboat, express or stage company, not existing by virtue of the laws of this state, and having no office of president, treasurer, clerk or general superintendent within this state, but doing business in this state, remain unclaimed for six months after their arrival at the point to which it shall have been directed, the same may be sold at auction, to pay the charges thereon and the expense of advertising and selling."

[Approved Mar. 10.]

Chapter 218.

AN ACT amendatory and additional to Chapter forty-seven of the Revised Statutes, relating to the duties of the Bank Examiner.

SECT. 1. Section one hundred and nineteen of chapter forty-seven of the revised statutes is hereby amended by inserting in the fifth line, after the word "law," the words "and its officers shall, whenever required to do so by the bank examiner, furnish him with statements and full information relating to the condition and standing of their institution, and of all matters pertaining to its business affairs and management," so that said section shall read as follows:

"Section 119. Such institutions and associations are under the charge of the bank examiner for the purposes of examination. He shall visit every savings bank, institution for savings, and trust and loan association, incorporated by authority of the state, once in every year, and as much oftener as he deems expedient. At such visits he shall have free access to the vaults, books and papers, and thoroughly inspect and examine all the affairs of each of said corporations, and make such inquiries as are necessary to ascertain its condition and ability to fulfill all its engagements, and whether it has complied with the law, and its officers shall, whenever required to do so by the bank examiner, furnish him with statements and full information relating to the condition and standing of their institution, and of all matters pertaining to its business affairs and management. He shall preserve in a permanent form, a full record of his proceedings, including a statement of the condition of each of said corporations, a copy of which statement shall be published by each corporation immediately after the examination of the same, in a newspaper in the place where it is established, if any, otherwise in a newspaper published in the nearest place thereto."

SECT. 2. The bank examiner shall at all times have the same authority over all trust and banking companies incorporated under the laws of this state that he now has over savings banks or savings institutions by virtue of the provisions of sections one hundred and nineteen, one hundred twenty, one hundred twenty-one, one hundred twenty-two, one hundred twenty-three and one hundred twenty-four of chapter forty-seven of the revised statutes; and all the provisions of said sections shall apply to said trust and banking companies excepting so much as relates to the distribution of assets after a decree of reorganization, as provided in section one hundred twenty-two. The distribution of the assets of trust and banking companies shall be made under order of the court.

[Approved Mar. 10.]

Chapter 219.

AN ACT for the protection of Beaver.

The provisions of sections one, two, three, of chapter two hundred and thirty-two, of the public laws of eighteen hundred and ninety-three, relating to a close time on beaver, are hereby extended for a period of six years.

[Approved Mar. 10.]

Chapter 220.

AN ACT to amend Section forty-five, Chapter one hundred and forty of the Revised Statutes, relating to the State Prison.

Amend section forty-five, chapter one hundred and forty of the revised statutes, by striking out the word "five" in the third line and inserting in place thereof the word "ten," so that said section, as amended, shall read:

"Section 45. On the discharge of any convict who has conducted himself well during his imprisonment, the warden may give him from the funds of the prison a sum not exceeding ten dollars, and if he requests it, a certificate of such good conduct; and shall take care that every convict on his discharge be provided with decent clothing."

[Approved Mar. 10.]

Chapter 221.

AN ACT relating to waiving the provisions of a will by the widow of the testator, and to wills in which no provision is made for the widow of the testator, and the interest which the widow shall have in the estate of the testator in such cases.

SECT. 1. When provision is made in the will of a testator for his widow, such widow may, at any time within six months after the probate of such will, waive such provision made for her by filing in the probate court written notice of such waiver, and when such provision is waived as aforesaid, such widow shall have and receive the same distributive share of the personal estate of such testator as is provided by law in intestate estates. And when no provision is made in the will of a testator for his widow, such widow shall likewise have and receive the same distributive share of the personal estate of such testator as is provided by law in intestate estates, provided such widow shall, within six months after the probate of such will, file in the probate court written notice that she claims such share of the personal estate of such testator.

SECT. 2. This act shall not be held to affect, repeal, limit or restrict any existing laws relating to rights given by such laws to any widow who waives the provision made for her in the will of her husband, or for whom no provision is made in such will.

SECT. 3. This act shall not apply to wills where the testator is deceased at the time this act shall go into effect. [Approved Mar. 11.]

Chapter 222.

AN ACT to amend Section two of Chapter two hundred and eighty-seven of the Public Laws of eighteen hundred and ninety-three, entitled "An Act for the better protection of Sheep."

SECT. 1. Section two of chapter two hundred and eighty-seven of the public laws of eighteen hundred and ninety-three is hereby amended by striking out the words, "dogs covered by the kennel license shall be excepted from the provisions of this section, requiring registration, numbering or collaring," from the end of said section, so that said section, when amended, shall read as follows:

"Section 2. Every owner or keeper of a dog more than four months old shall annually, before the first day of April, cause it to be registered, numbered, described and licensed for one year from the first day of April, in the office of the clerk of the city, town or plantation where said dog is kept, and shall keep around its neck a collar, distinctly marked with the owner's name and its registered number, and shall pay to said clerk for a license the sum of one dollar and fifteen cents for each male dog, and three dollars and fifteen cents for each female dog, and a person becoming the owner or keeper of a dog after the first day of April, not duly licensed, shall cause it to be registered, numbered, described and licensed as provided above. Every owner or keeper of dogs, kept for breeding purposes, may receive annually a special kennel license authorizing him to keep such dogs for said purpose. When the

number of dogs so kept does not exceed ten, the fee for such license shall be ten dollars, when the number of dogs so kept exceeds ten, the fee for such license shall be twenty dollars, and no fee shall be required for the dogs of such owner or keeper under the age of six months."

SECT. 3. This act shall take effect when approved. [Approved Mar. 11.]

Chapter 223.

AN ACT to amend Section two of Chapter fifty-eight of the Revised Statutes, as amended by Chapter ninety-four of Public Laws of eighteen hundred and ninety-one, relating to election of members of Board of Agriculture.

Section two of chapter fifty-eight of the revised statutes, as amended by chapter ninety-four of public laws of eighteen hundred and ninety-one, is hereby amended by adding the words "at least two weeks prior to said meeting" after the word "others" in the sixth line of said section, so that said section, as amended, shall read as follows:

"Section 2. If there is more than one such society in a county the executive officers of the oldest shall designate a time and place for a convention of five delegates, chosen from each society at a regular meeting; and the secretary of such oldest society shall give written notice thereof to the secretary of each of the others, at least two weeks prior to said meeting. The convention shall be held prior to the third Wednesday of January, and shall elect a president and secretary, and by ballot a member of the board of agriculture for that county. If no election is made, the secretary shall immediately send to the governor and council the names of two or more persons having the highest number of votes; and they shall elect one of them. Vacancies in counties, however caused, shall be filled within three months after notice to the secretary of the oldest society in the county where such vacancy exists; if there is more than one at a special meeting, in the same manner as is heretofore provided for the election of county members of said board. The written certificate of the secretary of the society or convention electing a member, shall be his credentials in the board."

[Approved Mar. 11.]

Chapter 224.

AN ACT to amend Section sixty-nine of Chapter eighty-two of the Revised Statutes, relating to Auditors.

Section sixty-nine of chapter eighty-two of the revised statutes is hereby amended by adding at the end of said section the following words: "The fees and necessary expenses of auditors so appointed shall be paid by the county on presentation of the proper certificate of the clerk of courts for that county, and the amount thereof shall be fixed by the court upon the coming in of the report," so that said section, as amended shall read as follows:

"Section 69. When an investigation of accounts, or an examination of vouchers is required, the court may appoint one or more auditors to hear the parties and their testimony, state the accounts and make a report to the court upon such matters therein as may be ordered by the court, and the report is prima facie evidence upon such matters only, as are expressly embraced in the order. They shall notify the parties of the time and place of hearing, and have power to adjourn; witnesses may be summoned and compelled to attend, and may be sworn by the auditor. The fees and necessary expenses of auditors so appointed shall be paid by the county on presentation of the proper certificate of the clerk of the courts for that county, and the amount thereof shall be fixed by the court upon the coming in of the report."

[Approved Mar. 12.]

Chapter 225.

AN ACT to amend Section eight of Chapter forty-eight of the Revised Statutes, as amended by Chapter eighty-nine of the Public Laws of eighteen hundred and ninety-five, relating to Corporations.

Section eight of chapter forty-eight of the revised statutes as amended by chapter eighty-nine of the public laws of eighteen hundred and ninety-five, is hereby amended by inserting after the word "directors" in the seventh line of said section the words "and the name and residence of the clerk," and by striking out the words "where said business is to be done," in the eleventh and twelfth lines of said section, and inserting in lieu thereof the words "where said corporation is located," so that said section, as amended, shall read as follows:

"Section 18. Before commencing business, the president, treasurer, and majority of the directors shall prepare a certificate setting forth the name and purposes of the corporation, the amount of capital stock, the amount already paid in, the par value of the shares, the names and residences of the owners, the name of the county where it is located, and the number and names of the directors, and the name and residence of the clerk, and shall sign and make oath to it; and after it has been examined by the attorney general, and been signed and to be conformable to the constitution and laws, it shall be recorded in the registry of deeds in the county where said corporation is located, in a book kept for that purpose, and within sixty days after the date of the meeting at which such corporation is organized, a copy thereof certified by such register shall be filed in the secretary of state's office, who shall enter the date of filing thereon, and on the original certificate to be kept by the corporation, and shall record said copy in a book kept for that purpose. Such corporation shall pay the attorney general and secretary of state five dollars each for their services, in advance; and before said certificate is filed in the office of the secretary of state, when the amount of capital stock does not exceed ten thousand dollars, it shall also pay to the treasurer of state for the use of the state the sum of ten dollars; when the amount of the capital stock exceeds ten thousand dollars and does not exceed five hundred thousand dollars, it shall pay to the treasurer of state for the use of the state the sum of fifty dollars; when the amount of the capital stock exceeds five hundred thousand dollars, it shall pay to the treasurer of state for the use of the state ten dollars for each one hundred thousand dollars of the capital stock; and the treasurer's receipt for said sum shall be filed with the secretary of state as a condition precedent, before he shall be authorized to receive said certificate for filing."

[Approved Mar. 12.]

Chapter 226.

AN ACT regulating the costs in Municipal, Police and Trial Justice Courts.

SECT. 1. The allowance for travel and attendance to parties recovering costs in any municipal, police or trial justice court in this state, shall be limited to three terms, except that the court may, for good and sufficient cause, order such allowance for additional terms.

SECT. 2. This act shall take effect when approved. [Approved Mar. 12.]

Chapter 227.

AN ACT to grant the Commissioners of Inland Fisheries and Game authority to destroy Mink in and around all fish hatcheries in the state.

SECT. 1. The commissioners of inland fisheries and game shall have authority to cause the destruction of all mink found in or around any fish hatchery or feeding station in this state, and section twenty of chapter thirty of the revised statutes is hereby modified to this extent.

SECT. 2. This act shall take effect when approved. [Approved Mar. 12.]

Chapter 228.

AN ACT to amend Section six of Chapter seventy-eight of the Revised Statutes, relating to the terms of the County Commissioners' Court for the County of Lincoln.

Section six of chapter seventy-eight of the revised statutes is hereby amended by striking out the word "Monday" in the fourteenth line of said section, and substituting therefor the word "Tuesday," so that the entire clause shall read as follows:

"Lincoln, on the second Tuesday of May, the first Tuesday of September, and the last Monday of December."

[Approved Mar. 15.]

Chapter 229.

AN ACT to amend Section six of Chapter seventy-eight of the Revised Statutes, relating to the terms of the County Commissioners' Court for the County of Lincoln.

Section six of chapter seventy-eight of the revised statutes is hereby amended by striking out the word "Monday" in the fourteenth line of said section, and substituting therefor the word "Tuesday," so that the entire clause shall read as follows:

"Lincoln, on the second Tuesday of May, the first Tuesday of September, and the last Monday of December."

[Approved Mar. 15.]

Chapter 229.

AN ACT additional to Chapter one hundred and five of the Revised Statutes, relating to limitation of real actions and rights of entry.

Chapter one hundred and five of the revised statutes is hereby amended by adding thereto as sections sixteen and seventeen the following:

"Section 16. No right of way or other easement existing in, upon, over or through the land of another, shall be extinguished by the adverse obstruction thereof, unless such adverse obstruction has been continued uninterruptedly for twenty years; and a notice in writing given by the owner of such right of way or other easement to the person whose land is subject thereto, setting forth said owner's intention to contest the extinguishment of such right of way or other easement, and duly served and recorded as hereinafter stated, shall be deemed an interruption of such obstruction and prevent the extinguishment of such right of way or other easement."

"Section 17. Such notice may be given by the owner of such right of way or other easement, his agent or guardian, or by an officer, by giving in hand to the owner of the land subject thereto, an attested copy thereof, or by leaving it at his dwelling house, or if not in the state, at an attested copy may be left with the tenant or occupant of the estate, if any; if not, such copy shall be posted in some conspicuous place upon said estate. The person serving or posting said notice shall make his return on the original notice; and the whole shall be recorded in the registry of deeds in the county where the land lies, within three months from the time of such service."

[Approved Mar. 15.]

Chapter 230.

AN ACT relating to the April term of the Supreme Judicial Court in the County of Aroostook.

SECT. 1. From and after the day this act takes effect the annual April term of the supreme judicial court now held at Houlton, in the county of Aroostook, on the fourth Tuesday of April, shall be held at said Houlton on the third Tuesday of April, in each year, forever. And the court, at every said April term, upon the completion of the business conventionally triable therein at said Houlton, shall and is hereby required and directed to adjourn to Caribou, in said county, to there complete such civil business pending in said court, as ought to be and may be more conveniently there tried and heard, and the jurors in attendance at said court, except grand jurors, may be required to attend such adjournment, or may be discharged or new jurors summoned, as the circumstances may require. The clerk of said court shall receive from said county for his attendance and expenses at Caribou, during said adjournment part of said term, in addition to his compensation now allowed by law, such further sum as the presiding justice shall determine.

SECT. 2. This act shall take effect on the twentieth day of May, eighteen hundred and ninety-seven. [Approved Mar. 17.]

Chapter 231.

AN ACT to amend Section nineteen of Chapter one hundred and forty-two of the Revised Statutes, relating to the Maine Industrial School for Girls.

Section nineteen of chapter one hundred and forty-two of the revised statutes is hereby amended by striking out the word "seven" in the first line of said section, and inserting in place thereof the word "six," and also by striking out the word "fifteen" in the second line of said section, and inserting in place thereof the word "sixteen," so that said section, as amended, shall read as follows:

"Section 19. A parent or guardian of any girl between the ages of six and sixteen years, the municipal officers, or any three respectable inhabitants of any city or town, where she may be found, may complain in writing to the judge of probate or any trial justice in the county, or to the judge of the municipal or police court for such city or town, alleging that she is leading an idle or vicious life, or has been found in circumstances of manifest danger of falling into habits of vice or immorality, and request that she may be committed to the guardianship of the Maine Industrial School for Girls. The judge or justice shall appoint a time and place of hearing, and order notice thereof to all persons entitled to be heard, and at such time and place, may examine into the truth of said allegations, and if satisfactory evidence thereof is adduced, and it appears that the welfare of such girl requires it, he may order her to be committed to the custody and guardianship of the officers of said school during her minority, unless sooner discharged by process of law."

[Approved Mar. 17.]

Chapter 232.

AN ACT to amend Chapter thirty of the Public Laws of eighteen hundred and ninety-five, relating to Liens on Buildings.

SECT. 1. In addition to the remedy provided by chapter thirty of public laws of eighteen hundred and ninety-five, the liens mentioned in sections thirty, thirty-one, thirty-two and thirty-three of chapter ninety-one of the revised statutes may be enforced by attachment in actions at law commenced in any court having jurisdiction, in the county where the house, building or appurtenances on which a lien is claimed is situated, which attachment shall be made within ninety days after the last of the labor is performed, or labor or materials are furnished.

SECT. 2. When two or more proceedings, either at law or in equity, are pending at the same time, in whatever court or courts, to enforce liens on the same house, building or appurtenances, upon petition of any lienor who has commenced such proceedings, or of the owner of the building, a justice of the supreme judicial court, after notice and hearing, in term time or vacation, may, if justice requires it, order all such actions not then pending in the supreme judicial court to be transferred thereto, and require the parties in all such proceedings, in whatever court commenced, to plead in equity, substantially in the manner prescribed in section three of said chapter thirty of the public laws of eighteen hundred and ninety-five, and thereafter all the proceedings shall be in accordance with the provisions of said chapter thirty; and while such petition is pending all such actions shall stand continued.

SECT. 3. When a judgment is rendered in any suit authorized by this act, against any house, building or appurtenances, and the land on which it stands, or any interest that the owner of such house, building or appurtenances has in such land, said property shall be taken and sold on execution in the same manner that rights of redeeming mortgaged real estate may be taken and sold. If two or more judgments are rendered at the same term of the same court, the court shall direct in writing on which execution the property shall be sold, and in that event, and also in the event that the officer holding any execution recovered

under the provisions of this act shall be notified in writing by any lienor who has caused said property to be attached as aforesaid, or who has filed his bill in equity as provided in said chapter thirty, that he claims a portion of the proceeds of the sale, said officer, unless all owners of such judgments, and all lienors so notifying such officer otherwise direct, shall thereupon sell said property as aforesaid, and after deducting the fees and expenses of sale, shall return the balance into the court of high jurisdiction in which any such lien suit is pending, or in which such a lien judgment has been rendered, and such court shall distribute such fund pro rata among the lienors who shall satisfactorily prove their right to share in the same. The court issuing execution on which the sale is made, may fix the time within which the lienors shall have the right to redeem the property from such sale. The court distributing the fund may make such decrees in regard to costs as is equitable. Any balance not required to pay such lien claims and costs shall be paid to the person or persons legally or equitably entitled thereto.

SECT. 4. Section seven of said chapter thirty is applicable in cases of actions commenced and attachments made under the provisions of this act.

SECT. 5. This act shall take effect when approved. [Approved Mar. 17.]

Chapter 233.

AN ACT authorizing the establishment of Free Libraries in villages and of branch Libraries in towns and cities.

SECT. 1. Any incorporated village within this state located in a town where no free library exists, is hereby authorized and empowered to establish a library within its limits for the free use of all of its inhabitants, and to levy and assess a corporate tax and to appropriate therefrom for the foundation and commencement of such library, a sum not exceeding two dollars, and for its maintenance and increase annually a sum not exceeding one dollar per each taxable poll resident within such village corporate limits in the year next preceding. Such library so established and maintained shall be entitled to receive from the state treasury, a sum equal to ten per cent of the amount annually raised and appropriated by the village corporation therefor. Village libraries established under this act shall be subject to all the duties and entitled to all the privileges prescribed by the laws relating to free public libraries in towns.

SECT. 2. Any town in which there is a free public library is hereby authorized to establish and maintain under the same general management and control, such branches of the same as the convenience and wants of the citizens of said town seem to demand. [Approved Mar. 17.]

Chapter 234.

AN ACT to amend Section twenty-seven, Chapter ninety-one of the Revised Statutes, relating to Liens.

Section twenty-seven, chapter ninety-one of the revised statutes, is hereby amended by inserting after the words "arrives at the port of shipment," in the third line from the bottom of said section, the words "and until it has been shipped on board a vessel or laden in a car," so that said section, as amended, shall read as follows:

"Section 27. Whoever digs, hauls, or furnishes rock for the manufacture of lime, has a lien thereon for his personal service, and on the rock so furnished, for thirty days after such rock is manufactured into a lime, or until such lime is sold or shipped on board a vessel; whoever labors in quarrying or cutting and dressing granite in any quarry, has a lien for his wages on all the granite quarried or cut and dressed in the quarry by him, or his co-laborers, for thirty days after such granite is cut and dressed, or until such granite is sold or shipped on board a vessel; and whoever labors in mining, quarrying or manufacturing slate in any quarry, has a lien for the wages of his labor on all slate mined, quarried or manufactured in the quarry by him or his co-laborers, for thirty days after the slate arrives at the port of shipment, and until it has been shipped on board a vessel or laden in a car; such liens have precedence of all other claims, and may be enforced by attachment within the times aforesaid."

[Approved Mar. 17.]

Chapter 235.

AN ACT to amend Sections seven, nine and fourteen of Chapter one hundred and six of the Revised Statutes, relating to the issue and serving of Venues.

SECT. 1. Section seven of chapter one hundred and six of the Revised Statutes is hereby amended by adding after the word "constable" in the last line of said section, the words "of towns, and the constables, marshal or deputy marshal of cities," so that said section, as amended, shall read as follows:

"Section 7. The grand and traverse jurors shall be drawn from each jury district in such manner as to cause jurors, at each term of court, to come from every part of the county as equally as may be, and so far as practical, from every town in rotation, having regard to the number of its inhabitants, taking not more than two grand jurors and two traverse jurors from the same town at the same time, unless from necessity, or some extraordinary cause, or to equalize the service; and the clerk of courts shall issue venire to the constables of towns, and the constables, marshal and deputy marshal of cities accordingly."

SECT. 2. Section nine of said chapter is hereby amended by adding after the word "directed," in the second line thereof, the words "and the constables, marshals or deputy marshals of cities," and after the word "constable," in the same line, add the words "and the marshals or deputy marshals of cities," so that said section, as amended, shall read as follows:

"Section 9. The sheriff, on receiving such venire, shall immediately send them to the constables of the towns where directed, and to the constables, marshals or deputy marshals of cities, and each constable, marshal or deputy marshal, on receipt thereof, shall notify the voters of the town or city, and especially the municipal officers and town or city clerk, by posting notices in two public and conspicuous places therein, at least four days before such meeting, to assemble and be present at the draft of jurors called for, which shall be six days at least before the time when they are ordered to attend court."

SECT. 3. Section fourteen of said chapter is hereby amended by adding after the word "constable," in the first line thereof, the words "or the marshals or deputy marshals of cities," so that said section, as amended, shall read as follows:

"Section 14. A constable of a town or the constables, marshals or deputy marshals of cities, shall notify the persons thus drawn four days at least before the sitting of the court, by reading the venire and the indorsement thereon to them

with costs of advertising, on or before the date of sale, the collector shall proceed to sell the public auction, to the highest bidder, so much of each real estate interest as is necessary to pay the tax due, with three dollars for advertising and selling it, the sum paid to the collector, twenty-five cents for each copy required to be lodged with the town clerk, twenty-five cents for the return required to be made to the town clerk, fifty cents for the town clerk for recording the same, and sixty cents for the deed thereof and certificate of acknowledgment. If the bidding is for less than the whole, it shall be for a fractional part of the estate, and the bidder who will pay the same for the least fractional part shall be the purchaser. If more than one right, lot or parcel is so advertised and sold, said parcels shall be sold in lots, and the twenty-five cents for each copy required to be lodged with the town clerk, the twenty-five cents for the return required to be made to the town clerk, the fifty cents for the town clerk for recording the same, and the sixty cents for the deed thereof and certificate of acknowledgment, shall be divided equally among the several rights, lots or parcels advertised and sold at any one time; and in addition, the sum paid to the printer shall be equally divided among the non-resident owners of parcels so advertised and sold; and the collector shall receive in addition, fifty cents for each parcel of real estate so advertised and sold, when more than one parcel is so advertised and sold. The collector may, if he so desires, complete the sales, adjourn the day to day.

Section one hundred and ninety-five, chapter six, as amended by section six of the public laws of eighteen hundred and ninety-five, is amended, so that it shall read as follows:

"The collector making any sale for non-payment of taxes, shall, after the day of sale, make a return of the same to the clerk of his town; and if the sale is in whole, or if the sale is of a lot or parcel, an attested copy thereof, shall be evidence in all cases where it is not personally interested, and shall be returned to the town clerk shall be as follows:

"If the sale is of a lot or parcel, the collector shall, on the day of sale, cause the taxes assessed on the estate of non-resident owners to be advertised according to the provisions of section three, chapter six, of the public laws of eighteen hundred and ninety-five, and at least six days before the day of sale, and caused the same to be recorded on the real estate of resident owners, situated in the town of the sale, to be advertised according to the provisions of section three, chapter six, of the public laws of eighteen hundred and ninety-five, and at least six days before the day of sale, gave to each owner of said lands, or the occupant thereof, in hand, or left at his last and usual place of abode, and sent by mail to the address of each non-resident owner of said lands, whose address was known to him at the time and place of sale, in the manner provided by law; and on the first Monday of December, at one o'clock, A. M., being the time of sale, I proceeded to sell, according to the provisions of the act, the estates of the non-resident owners, the schedules following is set forth of the estate so offered for sale, and the name of the purchaser, and the name of the executor, and placed them on file in the collector's office, to be disposed of as the law directs.

SCHEDULE No. 1. NON-RESIDENT OWNERS.

Name of the owner	Amount of property tax, interest, sold, or charges	Name of the purchaser

SCHEDULE No. 2. RESIDENT OWNERS.

Name of the owner	Amount of property tax, interest, sold, or charges	Name of the purchaser

Witness of all which I have hereunto subscribed my name this _____ day of _____, 1897.

Attest: Collector of taxes of the town of _____

Chapter 241.

AN ACT to amend the public laws of eighteen hundred and ninety-five, relating to the execution of sentences.

Section one of chapter twenty-seven of the public laws of eighteen hundred and ninety-five, is amended, so that it shall read as follows:

"Section 1. Whenever there is a change in the name of a corporation, the clerk of the court shall, within five days thereafter, cause a copy of the change to be filed in the office of the clerk of the town in which the corporation is located, and the clerk shall cause such attachment to be made in the public records, so that said section shall be amended.

Chapter 242.

AN ACT to amend section twenty-seven of the public laws of eighteen hundred and ninety-five, relating to the recording of attachments of mortgages.

Section one of chapter twenty-seven of the public laws of eighteen hundred and ninety-five, is amended, so that it shall read as follows:

"Section 1. Whenever there is a change in the name of a corporation, the clerk of the court shall, within five days thereafter, cause a copy of the change to be filed in the office of the clerk of the town in which the corporation is located, and the clerk shall cause such attachment to be made in the public records, so that said section shall be amended.

Chapter 243.

AN ACT to amend section eleven, chapter six, of the public laws of eighteen hundred and ninety-five, relating to the recording of attachments of mortgages.

Section one of chapter six of the public laws of eighteen hundred and ninety-five, is amended, so that it shall read as follows:

"Section 1. Whenever there is a change in the name of a corporation, the clerk of the court shall, within five days thereafter, cause a copy of the change to be filed in the office of the clerk of the town in which the corporation is located, and the clerk shall cause such attachment to be made in the public records, so that said section shall be amended.

Chapter 244.

AN ACT to amend section eleven, chapter six, of the public laws of eighteen hundred and ninety-five, relating to the recording of attachments of mortgages.

Section one of chapter six of the public laws of eighteen hundred and ninety-five, is amended, so that it shall read as follows:

"Section 1. Whenever there is a change in the name of a corporation, the clerk of the court shall, within five days thereafter, cause a copy of the change to be filed in the office of the clerk of the town in which the corporation is located, and the clerk shall cause such attachment to be made in the public records, so that said section shall be amended.

Chapter 245.

AN ACT to amend section eleven, chapter six, of the public laws of eighteen hundred and ninety-five, relating to the recording of attachments of mortgages.

Section one of chapter six of the public laws of eighteen hundred and ninety-five, is amended, so that it shall read as follows:

"Section 1. Whenever there is a change in the name of a corporation, the clerk of the court shall, within five days thereafter, cause a copy of the change to be filed in the office of the clerk of the town in which the corporation is located, and the clerk shall cause such attachment to be made in the public records, so that said section shall be amended.

Chapter 246.

AN ACT to amend section eleven, chapter six, of the public laws of eighteen hundred and ninety-five, relating to the recording of attachments of mortgages.

Section one of chapter six of the public laws of eighteen hundred and ninety-five, is amended, so that it shall read as follows:

"Section 1. Whenever there is a change in the name of a corporation, the clerk of the court shall, within five days thereafter, cause a copy of the change to be filed in the office of the clerk of the town in which the corporation is located, and the clerk shall cause such attachment to be made in the public records, so that said section shall be amended.

Chapter 247.

AN ACT to amend section eleven, chapter six, of the public laws of eighteen hundred and ninety-five, relating to the recording of attachments of mortgages.

Section one of chapter six of the public laws of eighteen hundred and ninety-five, is amended, so that it shall read as follows:

"Section 1. Whenever there is a change in the name of a corporation, the clerk of the court shall, within five days thereafter, cause a copy of the change to be filed in the office of the clerk of the town in which the corporation is located, and the clerk shall cause such attachment to be made in the public records, so that said section shall be amended.

dence that he is clerk, for service of process upon the corporation, until another certificate has been filed."

Chapter 244.

AN ACT to amend section thirteen of chapter one hundred and forty-three of the Revised Statutes, relating to the duties of municipal officers relating to insane persons.

Section thirteen of chapter one hundred and forty-three of the Revised Statutes, is hereby amended by striking out the word "and" in line thirteen, and substituting the word "or," so that said section, as amended, will read as follows:

"Section 13. Insane persons, not thus sent to any hospital, shall be subject to examination as hereinafter provided. The municipal officers of towns shall constitute a board of examiners, and on complaint in writing of any relative, or of any justice of the peace in their town, they shall immediately inquire into the condition of any insane person therein; call before them all testimony necessary for a full understanding of the case; and if they think such person insane, and that his comfort and safety, or that of others interested, will there, by be promoted, they shall forthwith send him to the hospital, with a certificate stating the fact of his insanity, and the town in which he resided or was found at the time of examination, and directing the superintendent to receive and detain him until he is restored or discharged by law, or by the superintendent or trustees. They shall keep a record of their doings, and furnish a copy to any interested person requesting and paying for it."

[Approved Mar. 26.]

Chapter 245.

AN ACT to provide for filling vacancies of Trustees.

Section 1. Whenever vacancies shall occur by the death or resignation of any or all of the trustees named in any deed of trust or mortgage, and from any cause such vacancy cannot be filled by appointment by the surviving trustee or trustees named therein, or such trustee or trustees neglect or refuse to make such appointment, the supreme judicial court, or any judge thereof, in term time or vacation, on the petition of any party interested in said trust, and upon such notice to all persons interested by publication or otherwise as the court shall order, and after hearing thereon, may appoint a trustee or trustees to fill such vacancy or vacancies, and upon and by virtue of said appointment the property described in said deed of trust or mortgage held by said trustees at the time of such decease or resignation, shall vest in said trustees so appointed without further conveyance thereof, whether said trustees have deceased before this act takes effect or otherwise, and they shall have the rights and powers and be subject to the duties relating to such trust to the same extent and for the same purposes as the same were held by the original trustees in said trust; the decree making such appointment shall confirm the transfer of title as heretofore provided and shall be recorded as the original trust deed was recorded. The heirs at law and personal representatives of any deceased trustee, shall not be necessary as parties to said petition nor any proceedings thereunder, but may appear and be heard in relation to the matters therein contained, and such notice of said petition and hearing shall be given them by publication or otherwise as the court may order.

Section 2. This act shall take effect when approved.

[Approved Mar. 26.]

Chapter 246.

AN ACT requiring all educational institutions receiving state aid to make report to the State Superintendent of Public Schools, who shall publish the same as a part of his annual report.

Section 1. Every educational institution receiving state aid, shall report to the state superintendent of public schools, the total average attendance, receipts and expenditures, number of instructors, number and length of terms, with attendance for each, and answer such other questions as he shall determine, and the same shall be published in his annual report.

Section 2. Every such educational institution failing to comply with the above requirements shall forfeit whatever aid or assistance it would otherwise receive from the state.

Section 3. All acts and parts of acts, inconsistent herewith are hereby repealed.

[Approved Mar. 26.]

Chapter 247.

AN ACT to further regulate banking hours on Saturdays which are not Bank Holidays.

Section 1. Every Saturday, which is not a bank holiday according to law, from twelve o'clock noon until twelve o'clock midnight shall, for all purposes whatever as regards the presenting for payment or acceptance and the protesting and giving notice of dishonor of bills of exchange, drafts, bank checks and promissory notes made after the passage of this act, be treated as and deemed a half holiday, and all bills of exchange, drafts, bank checks and promissory notes which are liable to be protested for non-acceptance or non-payment at twelve o'clock noon on any Saturday which is not a bank holiday according to law, may be protested for non-acceptance or non-payment, as the case may be, on any such Saturday at any time after twelve o'clock noon, or on the next succeeding secular or business day.

Section 2. This act shall take effect July one, eighteen hundred and ninety-seven.

[Approved Mar. 26.]

Chapter 248.

AN ACT to amend section thirty-one of chapter forty of the Revised Statutes, as amended by chapter two hundred and sixty of the Public Laws of eighteen hundred and eighty-five and by subsequent acts additional thereto, and amendatory thereof, relating to Migratory Fish and Fish Ways.

Section thirty-one of chapter forty of the Revised Statutes, as amended by chapter two hundred and sixty of the public laws of eighteen hundred and eighty-five and by all subsequent acts additional thereto and amendatory thereof, is hereby amended by striking out of said section after the word "shall" in the seventh line thereof, the words "Frank river in Steuben," so that said section, as amended, shall read as follows:

"Section 31. The following rivers and their tributaries are exempt from the provisions relating to migratory fishes and the supervision of the fish ways by the commissioners, that is to say, Royal river in North Yarmouth, Sewell's pond or its outlet in Arrowside, so much of the waters of the Damascutta river as are west of the railroad bridge near Damascutta mills, all waters in Vinalhaven, Tremont, Mount Desert, Eden, Franklin and Sullivan, Pleasant river in Washington County, East Machias river and the Eastern Penobscot river in Orleans."

[Approved Mar. 26.]

Chapter 249.

AN ACT amendatory of and additional to Chapter two hundred and sixty-eight of the Public Laws of eighteen hundred and ninety-three, entitled "An Act to regulate the organization and control of Street Railroads."

Section 1. Section one of chapter two hundred and sixty-eight of the public laws of eighteen hundred and ninety-three is hereby amended by inserting after the word "electricity" in the fourth line of said section the words "compressed air," so that said section, as amended, shall read as follows:

"Section 1. Any number of persons not less than five, a majority of whom shall be citizens of this state, may form a company for the purpose of constructing, maintaining and operating by electricity, compressed air or animal power, a street railroad for public use, for street traffic for the conveyance of persons and property, and for that purpose may make and sign articles of association in which shall be stated the name of the company, the gauge of the road, the places, cities and towns from which, in which and to which the road is to be constructed, maintained and operated, the length of such road, as nearly as may be, the amount of capital stock which shall not be less than four thousand dollars for every mile of road proposed to be constructed, the number of shares of which said stock shall consist, and the names and places of residence of at least three persons, a majority of whom shall be citizens of this state who shall act as directors of the proposed company, and manage its affairs until others are chosen in their places. Each subscriber shall sign his name, residence and number of shares which he agreed to take in said company."

Section 2. Section six of said chapter, as amended by chapter eighty-four of the public laws of eighteen hundred and ninety-five, is hereby amended by striking out from the forty-eighth to the fifty-eighth lines thereof, inclusive, the following words, "If the board of railroad commissioners, after hearing the petitions, shall, subject to the provisions of section nine, approve the proposed location, and find that a public convenience requires the construction of such road, it shall endorse its approval on the petition, and the corporation may then proceed with the construction of such road, provided, that they first file with the clerk of the county commissioners of the county in which said street railway is to be located, a copy of the location and plan aforesaid, and another copy of the same with the board of railroad commissioners," and inserting in place thereof the following: "at such hearing any party claiming to be interested may appear in person or by counsel, and such appearance shall be entered of record. The board of railroad commissioners, after hearing the petition, shall, if they approve such location, subject to the provisions of section nine, then determine whether public convenience requires the construction of such road, and make a certificate of such determination, in writing, which certificate shall be filed with their clerk within thirty days after such hearing. Within five days after the filing of such certificate with him, said clerk shall notify all who have become parties of record as aforesaid, or their counsel, of such determination, by sending to each such party or their counsel, by mail, a certified copy of such certificate. Any party of record who is dissatisfied with such determination, may appeal therefrom at any time within fifteen days from the date of filing such certificate, to the supreme judicial court next to be held in any county where any part of said railway is located, more than thirty days from the date of filing said certificate with said clerk as aforesaid, extending the day of the commencement of the session of said court. An appeal shall lie by any interested party from the decision of the board of railroad commissioners, in any case heard prior to the passage of this act, provided such appeal is taken at any time within three months from the time when this act goes into effect. The appellant shall serve written notice of such appeal upon said board of railroad commissioners, fourteen days, at least, before the session of said court, and shall at the first term of said court, and upon the entry of said appeal, the court shall appoint a committee consisting of three justices of the supreme judicial court, of whom the presiding justice may, by consent of parties, be one, provided, however, that one such justice may be mutually agreed upon and appointed as such committee, by the parties to the appeal. Said committee shall appoint a day for a hearing upon said appeal, and the appellant shall give such notice thereof as said committee deem reasonable and proper, in order that all persons interested may have opportunity to appear and object thereto. Said committee, after such hearing, shall determine whether public convenience requires the construction of such road. The decision of the committee, or a majority thereof if the parties are appointed, when filed in court, shall be final and conclusive upon all parties without further action of the court, and such decision shall be certified to the board of railroad commissioners. The compensation of the committee shall be paid by the parties, and costs taxed as the court may order. If the board of railroad commissioners find that public convenience requires the construction of said road and no appeal therefrom shall have been taken, or if a committee appointed by the supreme judicial court, as aforesaid, shall on appeal certify to said railroad commissioners that the public convenience requires the construction of said road, then, in either of said cases, the corporation may proceed with the construction of said road, provided that they first file with the clerk of the county commissioners of the county in which said street railway is to be located, a copy of the location and plan aforesaid, and another copy of the same with the board of railroad commissioners. Any extension of, addition to or variation from the location by any street railway organized under the provisions of this act may be made in accordance with, and subject to the limitations of the foregoing provisions, provided, that no railway shall be located across tide waters, where vessels can navigate, without special permission of the legislature first obtained. But no such permission shall be necessary where such railways desire to cross public bridges already erected, but the authority to determine whether such crossing shall be permitted shall rest with the municipal officers of the cities or towns liable for the repair of such bridges, respectively, who may impose such conditions and terms upon railways desiring to cross the same as to them may seem expedient. In case any county is liable for the repair of a bridge, the county commissioners of such county shall have authority in the premises." Said section is further amended by striking out from the sixty-fifth line of said section, the words, "street or macadamized." Said section is further amended by adding thereto the following words: "without the permission of the mayor and aldermen thereof, unless it shall be otherwise determined by a committee of judges of the supreme judicial court, on appeal, as hereinafter provided for appeals from the decisions of the board of railroad commissioners, and such appeal may be taken by any party interested, including an existing street railroad claiming to be injuriously affected by such location, to the supreme judicial court, substantially in the manner and with the effect as hereinafter provided."

Section 6. Every corporation organized under the foregoing provisions before commencing the construction of its road, shall present to the railroad commissioners a petition for approval of location, defining its courses, distances and boundaries, accompanied with a map of the proposed route on an appropriate scale with the written approval of the proposed route and location as to streets, roads or ways of the municipal officers of the cities and towns in which said railway is to be constructed in whole or in part, and with a report and estimate prepared by a skillful engineer. If the municipal officers upon a written application therefor, neglect for thirty days to approve a route and location as to streets, roads or ways, or if they refuse to approve such a route and location, or if such route and location approved by them is not accepted by the corporation, in either case, said corporation may appeal to the next term of the supreme judicial court to be held in any county where any part of said railway is located, more than thirty days from the expiration of said thirty days, or from the date of such refusal, or from the approval of a location that is not accepted by the corporation, or otherwise, as the case

may be, excluding the day of the commencement of the session of said court. If said railway is located in two or more counties, the supreme judicial court in either county shall have jurisdiction of any such appellate proceedings. The appellants shall serve written notice of such appeal upon said municipal officers fourteen days, at least, before the session of said court, and shall at the first term file a complaint setting forth substantially the facts of the case. If the appeal is then entered, and not afterwards, the court shall appoint a committee of three disinterested persons who shall be sworn and if one of them dies, declines or becomes interested, the court may appoint some suitable person in his place, and they shall give such notice as the court has ordered, view the proposed route or routes and location, or locations, and make their report at the next term of the court after their appointment, defining therein the route and location as to streets or ways as determined by them, which after acceptance and entry of judgment thereon, shall be forthwith be certified to the railroad commissioners and received by them in lieu of the approval of the municipal officers. Costs may be taxed and allowed as the court may order. A failure to appeal shall not bar the corporation from making a new application to the municipal officers. Said commissioners shall, upon presentation of such petition, appoint a day for a hearing thereon, and the petitioners shall give such notice thereof as said commissioners deem reasonable and proper, in order that all persons interested may have an opportunity to appear and object thereto. At such hearing any party claiming to be interested may appear in person or by counsel, and such appearance shall be entered of record. The board of railroad commissioners, after hearing the petition, shall, if they approve such location, subject to the provisions of section nine, then determine whether public convenience requires the construction of such road, and make a certificate of such determination, in writing, which certificate shall be filed with their clerk within thirty days after such hearing. Within five days after the filing of such certificate with him, said clerk shall notify all who have become parties of record as aforesaid, or their counsel, of such determination, by sending to each such party or their counsel, by mail, a certified copy of such certificate. Any party of record who is dissatisfied with such determination, may appeal therefrom at any time within fifteen days from the date of filing such certificate with said clerk as aforesaid, extending the day of the commencement of the session of said court. An appeal shall lie by any interested party from the decision of the board of railroad commissioners, in any case heard prior to the passage of this act, provided such appeal is taken at any time within three months from the time when this act goes into effect. The appellant shall serve written notice of such appeal upon said board of railroad commissioners, fourteen days, at least, before the session of said court, and shall at the first term of said court, and upon the entry of said appeal, the court shall appoint a committee consisting of three justices of the supreme judicial court, of whom the presiding justice may, by consent of parties, be one, provided, however, that one such justice may be mutually agreed upon and appointed as such committee, by the parties to the appeal. Said committee shall appoint a day for a hearing upon said appeal, and the appellant shall give such notice thereof as said committee deem reasonable and proper, in order that all persons interested may have opportunity to appear and object thereto. Said committee, after such hearing, shall determine whether public convenience requires the construction of such road. The decision of the committee, or a majority thereof if the parties are appointed, when filed in court, shall be final and conclusive upon all parties without further action of the court, and such decision shall be certified to the board of railroad commissioners. The compensation of the committee shall be paid by the parties, and costs taxed as the court may order. If the board of railroad commissioners find that public convenience requires the construction of said road and no appeal therefrom shall have been taken, or if a committee appointed by the supreme judicial court, as aforesaid, shall on appeal certify to said railroad commissioners that the public convenience requires the construction of said road, then, in either of said cases, the corporation may proceed with the construction of said road, provided that they first file with the clerk of the county commissioners of the county in which said street railway is to be located, a copy of the location and plan aforesaid, and another copy of the same with the board of railroad commissioners. Any extension of, addition to or variation from the location by any street railway organized under the provisions of this act may be made in accordance with, and subject to the limitations of the foregoing provisions, provided, that no railway shall be located across tide waters, where vessels can navigate, without special permission of the legislature first obtained. But no such permission shall be necessary where such railways desire to cross public bridges already erected, but the authority to determine whether such crossing shall be permitted shall rest with the municipal officers of the cities or towns liable for the repair of such bridges, respectively, who may impose such conditions and terms upon railways desiring to cross the same as to them may seem expedient. In case any county is liable for the repair of a bridge, the county commissioners of such county shall have authority in the premises." Said section is further amended by striking out from the sixty-fifth line of said section, the words, "street or macadamized." Said section is further amended by adding thereto the following words: "without the permission of the mayor and aldermen thereof, unless it shall be otherwise determined by a committee of judges of the supreme judicial court, on appeal, as hereinafter provided for appeals from the decisions of the board of railroad commissioners, and such appeal may be taken by any party interested, including an existing street railroad claiming to be injuriously affected by such location, to the supreme judicial court, substantially in the manner and with the effect as hereinafter provided."

Section 2. Section six of said chapter, as amended by chapter eighty-four of the public laws of eighteen hundred and ninety-five, is hereby amended by striking out from the forty-eighth to the fifty-eighth lines thereof, inclusive, the following words, "If the board of railroad commissioners, after hearing the petitions, shall, subject to the provisions of section nine, approve the proposed location, and find that a public convenience requires the construction of such road, it shall endorse its approval on the petition, and the corporation may then proceed with the construction of such road, provided, that they first file with the clerk of the county commissioners of the county in which said street railway is to be located, a copy of the location and plan aforesaid, and another copy of the same with the board of railroad commissioners," and inserting in place thereof the following: "at such hearing any party claiming to be interested may appear in person or by counsel, and such appearance shall be entered of record. The board of railroad commissioners, after hearing the petition, shall, if they approve such location, subject to the provisions of section nine, then determine whether public convenience requires the construction of such road, and make a certificate of such determination, in writing, which certificate shall be filed with their clerk within thirty days after such hearing. Within five days after the filing of such certificate with him, said clerk shall notify all who have become parties of record as aforesaid, or their counsel, of such determination, by sending to each such party or their counsel, by mail, a certified copy of such certificate. Any party of record who is dissatisfied with such determination, may appeal therefrom at any time within fifteen days from the date of filing such certificate, to the supreme judicial court next to be held in any county where any part of said railway is located, more than thirty days from the date of filing said certificate with said clerk as aforesaid, extending the day of the commencement of the session of said court. An appeal shall lie by any interested party from the decision of the board of railroad commissioners, in any case heard prior to the passage of this act, provided such appeal is taken at any time within three months from the time when this act goes into effect. The appellant shall serve written notice of such appeal upon said board of railroad commissioners, fourteen days, at least, before the session of said court, and shall at the first term of said court, and upon the entry of said appeal, the court shall appoint a committee consisting of three justices of the supreme judicial court, of whom the presiding justice may, by consent of parties, be one, provided, however, that one such justice may be mutually agreed upon and appointed as such committee, by the parties to the appeal. Said committee shall appoint a day for a hearing upon said appeal, and the appellant shall give such notice thereof as said committee deem reasonable and proper, in order that all persons interested may have opportunity to appear and object thereto. Said committee, after such hearing, shall determine whether public convenience requires the construction of such road. The decision of the committee, or a majority thereof if the parties are appointed, when filed in court, shall be final and conclusive upon all parties without further action of the court, and such decision shall be certified to the board of railroad commissioners. The compensation of the committee shall be paid by the parties, and costs taxed as the court may order. If the board of railroad commissioners find that public convenience requires the construction of said road and no appeal therefrom shall have been taken, or if a committee appointed by the supreme judicial court, as aforesaid, shall on appeal certify to said railroad commissioners that the public convenience requires the construction of said road, then, in either of said cases, the corporation may proceed with the construction of said road, provided that they first file with the clerk of the county commissioners of the county in which said street railway is to be located, a copy of the location and plan aforesaid, and another copy of the same with the board of railroad commissioners. Any extension of, addition to or variation from the location by any street railway organized under the provisions of this act may be made in accordance with, and subject to the limitations of the foregoing provisions, provided, that no railway shall be located across tide waters, where vessels can navigate, without special permission of the legislature first obtained. But no such permission shall be necessary where such railways desire to cross public bridges already erected, but the authority to determine whether such crossing shall be permitted shall rest with the municipal officers of the cities or towns liable for the repair of such bridges, respectively, who may impose such conditions and terms upon railways desiring to cross the same as to them may seem expedient. In case any county is liable for the repair of a bridge, the county commissioners of such county shall have authority in the premises." Said section is further amended by striking out from the sixty-fifth line of said section, the words, "street or macadamized." Said section is further amended by adding thereto the following words: "without the permission of the mayor and aldermen thereof, unless it shall be otherwise determined by a committee of judges of the supreme judicial court, on appeal, as hereinafter provided for appeals from the decisions of the board of railroad commissioners, and such appeal may be taken by any party interested, including an existing street railroad claiming to be injuriously affected by such location, to the supreme judicial court, substantially in the manner and with the effect as hereinafter provided."

Section 6. Every corporation organized under the foregoing provisions before commencing the construction of its road, shall present to the railroad commissioners a petition for approval of location, defining its courses, distances and boundaries, accompanied with a map of the proposed route on an appropriate scale with the written approval of the proposed route and location as to streets, roads or ways of the municipal officers of the cities and towns in which said railway is to be constructed in whole or in part, and with a report and estimate prepared by a skillful engineer. If the municipal officers upon a written application therefor, neglect for thirty days to approve a route and location as to streets, roads or ways, or if they refuse to approve such a route and location, or if such route and location approved by them is not accepted by the corporation, in either case, said corporation may appeal to the next term of the supreme judicial court to be held in any county where any part of said railway is located, more than thirty days from the expiration of said thirty days, or from the date of such refusal, or from the approval of a location that is not accepted by the corporation, or otherwise, as the case

may be, excluding the day of the commencement of the session of said court. If said railway is located in two or more counties, the supreme judicial court in either county shall have jurisdiction of any such appellate proceedings. The appellants shall serve written notice of such appeal upon said municipal officers fourteen days, at least, before the session of said court, and shall at the first term file a complaint setting forth substantially the facts of the case. If the appeal is then entered, and not afterwards, the court shall appoint a committee of three disinterested persons who shall be sworn and if one of them dies, declines or becomes interested, the court may appoint some suitable person in his place, and they shall give such notice as the court has ordered, view the proposed route or routes and location, or locations, and make their report at the next term of the court after their appointment, defining therein the route and location as to streets or ways as determined by them, which after acceptance and entry of judgment thereon, shall be forthwith be certified to the railroad commissioners and received by them in lieu of the approval of the municipal officers. Costs may be taxed and allowed as the court may order. A failure to appeal shall not bar the corporation from making a new application to the municipal officers. Said commissioners shall, upon presentation of such petition, appoint a day for a hearing thereon, and the petitioners shall give such notice thereof as said commissioners deem reasonable and proper, in order that all persons interested may have an opportunity to appear and object thereto. At such hearing any party claiming to be interested may appear in person or by counsel, and such appearance shall be entered of record. The board of railroad commissioners, after hearing the petition, shall, if they approve such location, subject to the provisions of section nine, then determine whether public convenience requires the construction of such road, and make a certificate of such determination, in writing, which certificate shall be filed with their clerk within thirty days after such hearing. Within five days after the filing of such certificate with him, said clerk shall notify all who have become parties of record as aforesaid, or their counsel, of such determination, by sending to each such party or their counsel, by mail, a certified copy of such certificate. Any party of record who is dissatisfied with such determination, may appeal therefrom at any time within fifteen days from the date of filing such certificate with said clerk as aforesaid, extending the day of the commencement of the session of said court. An appeal shall lie by any interested party from the decision of the board of railroad commissioners, in any case heard prior to the passage of this act, provided such appeal is taken at any time within three months from the time when this act goes into effect. The appellant shall serve written notice of such appeal upon said board of railroad commissioners, fourteen days, at least, before the session of said court, and shall at the first term of said court, and upon the entry of said appeal, the court shall appoint a committee consisting of three justices of the supreme judicial court, of whom the presiding justice may, by consent of parties, be one, provided, however, that one such justice may be mutually agreed upon and appointed as such committee, by the parties to the appeal. Said committee shall appoint a day for a hearing upon said appeal, and the appellant shall give such notice thereof as said committee deem reasonable and proper, in order that all persons interested may have opportunity to appear and object thereto. Said committee, after such hearing, shall determine whether public convenience requires the construction of such road. The decision of the committee, or a majority thereof if the parties are appointed, when filed in court, shall be final and conclusive upon all parties without further action of the court, and such decision shall be certified to the board of railroad commissioners. The compensation of the committee shall be paid by the parties, and costs taxed as the court may order. If the board of railroad commissioners find that public convenience requires the construction of said road and no appeal therefrom shall have been taken, or if a committee appointed by the supreme judicial court, as aforesaid, shall on appeal certify to said railroad commissioners that the public convenience requires the construction of said road, then, in either of said cases, the corporation may proceed with the construction of said road, provided that they first file with the clerk of the county commissioners of the county in which said street railway is to be located, a copy of the location and plan aforesaid, and another copy of the same with the board of railroad commissioners. Any extension of, addition to or variation from the location by any street railway organized under the provisions of this act may be made in accordance with, and subject to the limitations of the foregoing provisions, provided, that no railway shall be located across tide waters, where vessels can navigate, without special permission of the legislature first obtained. But no such permission shall be necessary where such railways desire to cross public bridges already erected, but the authority to determine whether such crossing shall be permitted shall rest with the municipal officers of the cities or towns liable for the repair of such bridges, respectively, who may impose such conditions and terms upon railways desiring to cross the same as to them may seem expedient. In case any county is liable for the repair of a bridge, the county commissioners of such county shall have authority in the premises." Said section is further amended by striking out from the sixty-fifth line of said section, the words, "street or macadamized." Said section is further amended by adding thereto the following words: "without the permission of the mayor and aldermen thereof, unless it shall be otherwise determined by a committee of judges of the supreme judicial court, on appeal, as hereinafter provided for appeals from the decisions of the board of railroad commissioners, and such appeal may be taken by any party interested, including an existing street railroad claiming to be injuriously affected by such location, to the supreme judicial court, substantially in the manner and with the effect as hereinafter provided."

Section 6. Every corporation organized under the foregoing provisions before commencing the construction of its road, shall present to the railroad commissioners a petition for approval of location, defining its courses, distances and boundaries, accompanied with a map of the proposed route on an appropriate scale with the written approval of the proposed route and location as to streets, roads or ways of the municipal officers of the cities and towns in which said railway is to be constructed in whole or in part, and with a report and estimate prepared by a skillful engineer. If the municipal officers upon a written application therefor, neglect for thirty days to approve a route and location as to streets, roads or ways, or if they refuse to approve such a route and location, or if such route and location approved by them is not accepted by the corporation, in either case, said corporation may appeal to the next term of the supreme judicial court to be held in any county where any part of said railway is located, more than thirty days from the expiration of said thirty days, or from the date of such refusal, or from the approval of a location that is not accepted by the corporation, or otherwise, as the case

may be, excluding the day of the commencement of the session of said court. If said railway is located in two or more counties, the supreme judicial court in either county shall have jurisdiction of any such appellate proceedings. The appellants shall serve written notice of such appeal upon said municipal officers fourteen days, at least, before the session of said court, and shall at the first term file a complaint setting forth substantially the facts of the case. If the appeal is then entered, and not afterwards, the court shall appoint a committee of three disinterested persons who shall be sworn and if one of them dies, declines or becomes interested, the court may appoint some suitable person in his place, and they shall give such notice as the court has ordered, view the proposed route or routes and location, or locations, and make their report at the next term of the court after their appointment, defining therein the route and location as to streets or ways as determined by them, which after acceptance and entry of judgment thereon, shall be forthwith be certified to the railroad commissioners and received by them in lieu of the approval of the municipal officers. Costs may be taxed and allowed as the court may order. A failure to appeal shall not bar the corporation from making a new application to the municipal officers. Said commissioners shall, upon presentation of such petition, appoint a day for a hearing thereon, and the petitioners shall give such notice thereof as said commissioners deem reasonable and proper, in order that all persons interested may have an opportunity to appear and object thereto. At such hearing any party claiming to be interested may appear in person or by counsel, and such appearance shall be entered of record. The board of railroad commissioners, after hearing the petition, shall, if they approve such location, subject to the provisions of section nine, then determine whether public convenience requires the construction of such road, and make a certificate of such determination, in writing, which certificate shall be filed with their clerk within thirty days after such hearing. Within five days after the filing of such certificate with him, said clerk shall notify all who have become parties of record as aforesaid, or their counsel, of such determination, by sending to each such party or their counsel, by mail, a certified copy of such certificate. Any party of record who is dissatisfied with such determination, may appeal therefrom at any time within fifteen days from the date of filing such certificate with said clerk as aforesaid, extending the day of the commencement of the session of said court. An appeal shall lie by any interested party from the decision of the board of railroad commissioners, in any case heard prior to the passage of this act, provided such appeal is taken at any time within three months from the time when this act goes into effect. The appellant shall serve written notice of such appeal upon said board of railroad commissioners, fourteen days, at least, before the session of said court,

